



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Regulatory Branch (1145)  
CEPOA-CO-R  
Post Office Box 6898  
Elmendorf AFB, Alaska 99506-0898

|                            |                             |
|----------------------------|-----------------------------|
| <b>PUBLIC NOTICE DATE:</b> | <b>29 September 2006</b>    |
| <b>EXPIRATION DATE:</b>    | <b>29 October 2006</b>      |
| <b>REFERENCE NUMBER:</b>   | <b>POA-2006-834-V</b>       |
| <b>WATERWAY:</b>           | <b>Little Susitna River</b> |

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Hatcher Pass Ranch LLC (Alisa and Brian Kincaid owners), Box 2395, Palmer, Alaska 99645.

AGENT: Travis/Peterson Environmental Consulting, Inc., (POC: Michael Travis) 3305 Arctic Boulevard, Anchorage, Alaska 99503.

LOCATION: The proposed project is located within section 34, T. 19 N., R. 1 E., Seward Meridian; Latitude 61.6947° N., Longitude 149.2578° W.; near Palmer, Alaska.

PURPOSE: Remediate excavation activities conducted prior to applicant owning the property, improve drainage, create a pond, construct gravel pad for a workshop, establish a new driveway to the existing house/workshop area, and provide temporary and permanent access to the proposed 39 lot Hatcher Pass Estates Subdivision.

WORK: This notice combines previously conducted unauthorized activities, with the applicant's proposal for additional work.

ADDITIONAL INFORMATION: Unauthorized work conducted in the mid to late 1980's, prior to applicant owning the property, includes excavating approximately 3,000 feet of drainage ditch to remove surface water and lower the water table; and construct approximately 2,000 linear feet of gravel road for access to the property. The estimated wetland footprint of these activities is approximately 2.5 acres.

Unauthorized work conducted by applicant, since 1996, includes discharging dredged material from pond excavation into wetlands; diverting a small unnamed creek into the pond; placing a grade control structure at the pond's outlet; constructing a gravel pad for the shop; constructing a gravel airstrip, stockpiling gravel for a sledding hill; building temporary access road to the proposed Hatcher Pass Estates

Subdivision. The estimated footprint of these additional wetland impacts is approximately 3.9 acres.

The applicant's proposed work includes constructing a permanent access road and bike trail from Edgerton Parks Road to the 39-lot subdivision; and constructing a new driveway from Edgerton Parks Road to the applicant's home and shop. These proposed activities would impact approximately 0.81 acre of additional wetlands.

The applicant also proposes to restore portions of the already impacted areas by returning the creek flowing into the pond back to the original channel; lowering the grade control structure at the pond outlet; removing the temporary access road to the subdivision; and removing approximately half of the gravel fill discharged for the airstrip. This remediation work would restore approximately 0.79 acre of the unauthorized work.

In summation, this public notice solicits comments for review of the following: the applicant conducted unauthorized work (3.9 acres), plus the applicant's additional proposed work (0.81 acre), minus the unauthorized work that would be restored by the applicant (0.79 acre). Therefore, applicant is requesting DA authorization for a total area footprint of approximately 3.9 acres of proposed and after-the-fact wetland impacts.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: Preliminarily, the described activity will not affect threatened or endangered species, or modify their designated critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS). We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record

and be considered in the decision. Please contact Jack Hewitt at (907) 753-2712, toll free from within Alaska at (800) 478-2712, or by email at Jack.J.Hewitt@poa02.usace.army.mil if further information is desired concerning this notice.

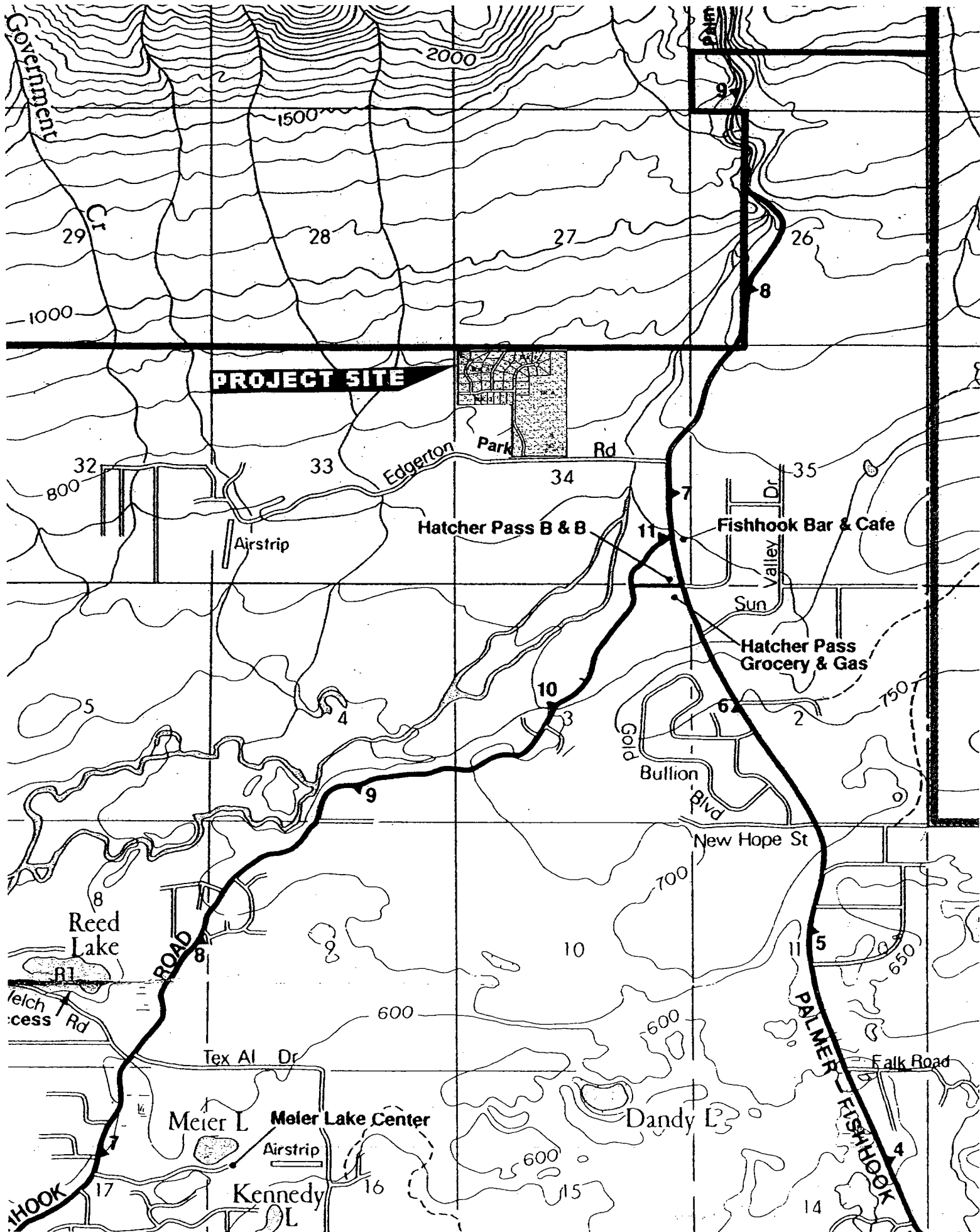
AUTHORITY: This permit will be issued or denied under the following authority:

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer  
U.S. Army, Corps of Engineers

Attachments



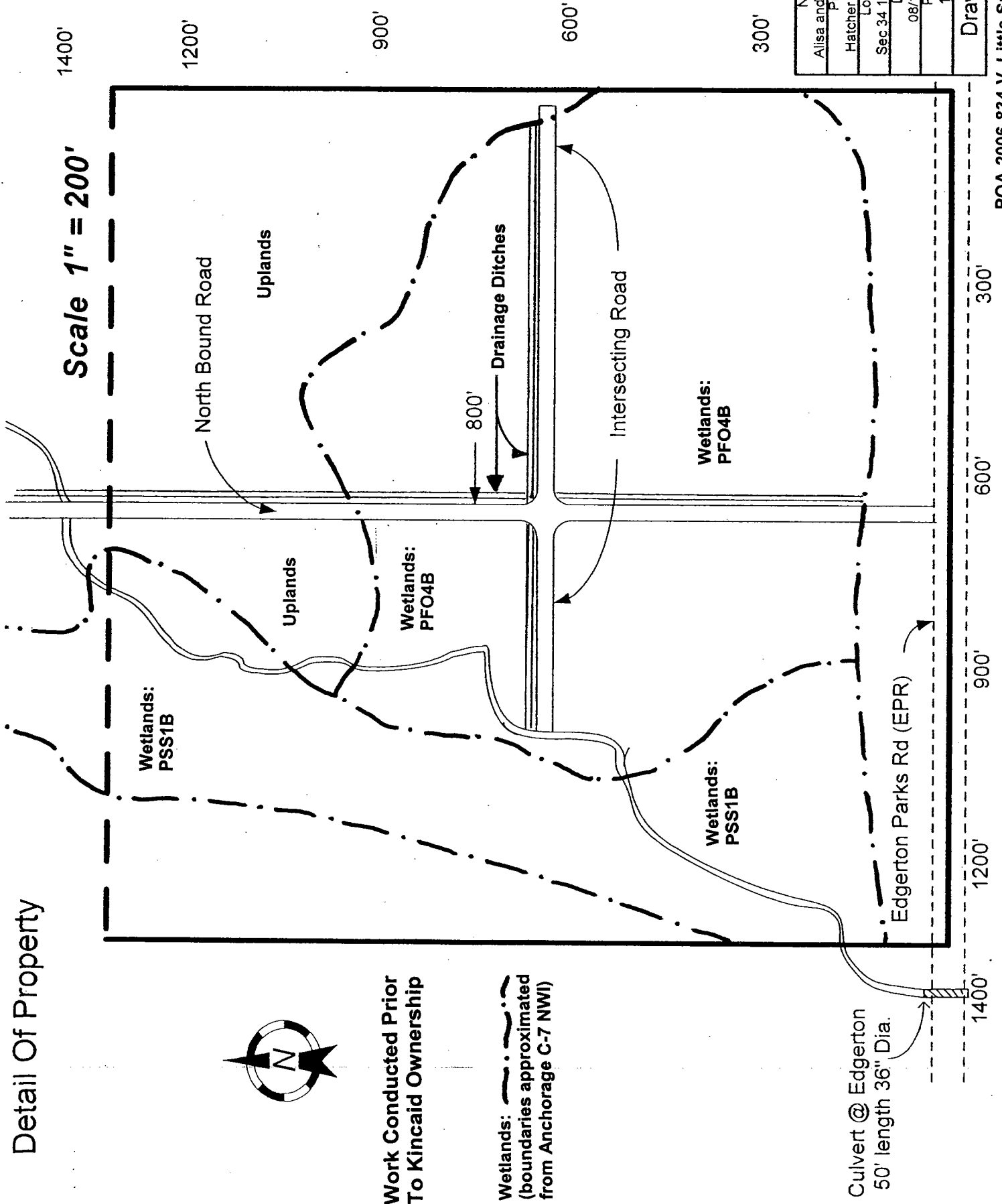
# Detail Of Property

Work Conducted Prior  
To Kincaid Ownership

Wetlands:  
(boundaries approximated  
from Anchorage C-7 NWI)



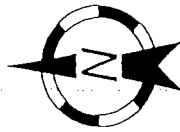
Scale 1" = 200'



|           |                         |
|-----------|-------------------------|
| Name:     | Alisa and Brian Kincaid |
| Project:  | Hatcher Pass Ranch      |
| Location: | Sec 34 19 N 01 E SM     |
| Date:     | 08/15/2006              |
| Page:     | 1 of 1                  |
| Drawing A |                         |

# Detail Of Property

Drainage for  
Hatcher Pass  
Estates



Current Conditions and  
Proposed Subdivision  
Access Road

Proposed Road For  
Hatcher Pass Estates

Proposed Culvert  
50' X 36"

Culvert @ Edgerton  
50' length 36" Dia.

Edgerton Parks Rd

Scale 1" = 200'

Temporary Subdivision  
Access Road  
(to be removed)

Alternative  
Creek Path

Fill Area 2

House

Shop

Pond

Grade Control  
Structure

Pond

Fill Area 1

Cleared Area

Proposed Driveway

1400'

1200'

900'

600'

300'

|           |                         |
|-----------|-------------------------|
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| Page:     | 1 of 1                  |
| Drawing C |                         |

300'

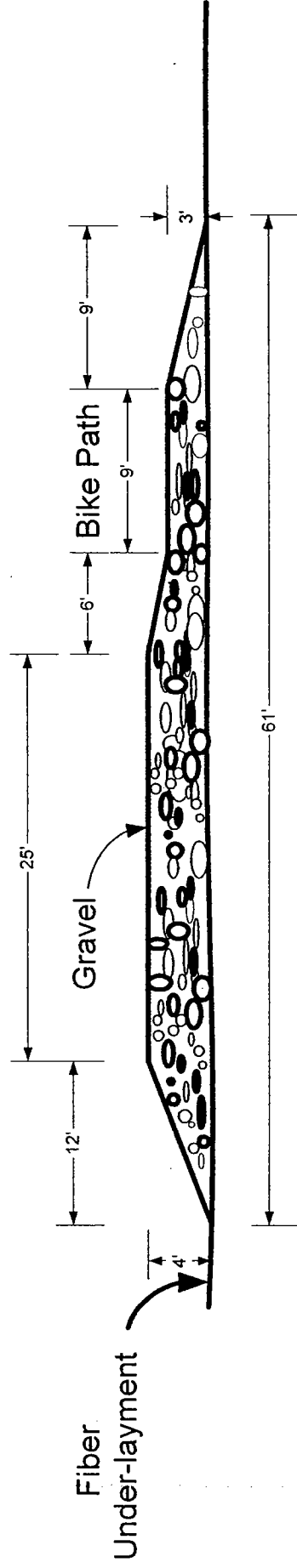
600'

900'

1200'

1400'

# Cross Sectional Profile of proposed wetland crossing



## Notes:

- All road sumps would be 3 to 1 or better
- Vegetation would be removed and root mat would be left

|                 |                         |
|-----------------|-------------------------|
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| Cross Section A |                         |



FRANK H. MURKOWSKI, GOVERNOR

# STATE OF ALASKA

OFFICE OF THE GOVERNOR

## DEPT. OF ENVIRONMENTAL CONSERVATION

### DIVISION OF WATER

401 Certification Program

Non-Point Source Water Pollution Control Program

### NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA-2006-834-V, Little Susitna River, State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation  
WQM/401 Certification  
555 Cordova Street  
Anchorage, Alaska 99501-2617  
Telephone: (907) 269-6281  
FAX: (907) 269-7508